

REMARKS

In response to the Notice of Non-Compliant Amendment dated September 16, 2005, Applicant submits that the present Amendment is in compliance with 35 C.F.R. § 1.121.

Claims 1-16 remain pending in the application. Claims 17-33 have been withdrawn and claims 34-75 have been canceled without prejudice.

Claims 1-16 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claims 1-11 and 14-16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,897,620 to Walker in view of the “Hawaiian Air to Offer Tickets Through ATMs” by Wall Street Journal (“Hawaiian Air”).

Claims 1, 3, 6, and 8-16 are being amended. Claims 6 and 8-11 are being amended for clarification purposes (*i.e.*, “destination location”). Claim 14 is being amended to be consistent with claim 1 as amended. Claims 3, 12-13, and 15-16 are being broadened to recite the principles of the present invention without limitation to a specific embodiment disclosed in the originally filed specification. No new matter is being introduced by way of the amendments. Applicant respectfully requests reconsideration of the Application in view of the amendments and remarks herein.

Remarks Regarding Claim Rejections under 35 U.S.C. § 101

Claims 1-16 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter.

Applicant is amending claim 1 to overcome the rejection. Applicant respectfully submits that claim 1, as amended, is directed to statutory subject matter because (1) the invention is within the technological arts (airline ticketing system, processor, storage device), and (2) the invention produces a useful, concrete, and tangible result. Applicant, therefore, respectfully requests withdrawal of the rejection of claims 1-16 under 35 U.S.C. § 101.

Remarks Regarding Claim Rejections under 35 U.S.C. § 112, second paragraph

Claim 1 stands rejected under 35 U.S.C. 112, second paragraph for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant respectfully submits that claim 1, as amended, now particularly points out and distinctly claims the subject matter which applicant regards as the invention. Applicant, therefore, respectfully requests withdrawal of the rejection of claim 1 under 35 U.S.C. § 112.

Remarks Regarding Claim Rejections under 35 U.S.C. § 103

Claims 1-11, 14-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Walker in view of Hawaiian Air. Applicant points out that the present Office Action also rejects claims 34-38, 41, and 44-75 under 35 U.S.C. § 103(a). However, because claims 34-75 were canceled in the Amendment filed March 1, 2005 and correctly stated as such on page 2, part 1 of the present Office Action, the rejections of claims 34-38, 41, and 44-75 are moot.

Applicant's amended claim 1 recites, in part:

a prepaid airline ticketing system ... comprising a processor configured to ...

generate signals used to present actual flights offered by the participating airlines available for selection by the customer based on the geographic and non-geographic flight parameters stored in the record; and

book a flight selected by the customer from among the presented actual flights by using the pre-paid, fixed-price option.

In contrast, Walker discloses a system by which, in exchange for airfare discounts, customers afford airlines with a degree of flexibility to place the customers aboard flights to fill seats that would otherwise remain empty (col. 3, lines 24-27; Abstract and). Walker presents an example whereby a customer affording the airlines with a wider "window of departure" (e.g., 8 AM to 8 PM) associated with a special fare listing will receive a greater discount (col. 5, lines 11-15).

Walker uses an “unspecified-time ticket” as a mechanism for customers to interact with the system, where an unspecified-time ticket is defined by Walker at col. 4, lines 50-55 as “an official airline ticket that represents a seat on an actual flight to be determined later, by the airline 100, for a traveler-specified itinerary including the origin and destination locations together with the travel dates.” After an airline books an unspecified-time ticket, the airline issues the actual flight information (col. 14, lines 2-6).

Walker’s system requires the customer to have flight-time flexibility (i.e., relinquish some level of control) in exchange for an airfare discount (Abstract). Accordingly, the customer is never presented with actual flight choices and, therefore, cannot select an actual flight of his choice.

Hawaiian Air discloses a system by which it sells an “open ticket” to a customer for a future flight via bank ATM machines. The customer later uses the open ticket to book a Hawaiian Air flight. Hawaiian Air does not disclose a system by which a processor receives an identifier submitted by a customer, generates signals used to present actual flights offered by participating airlines available for selection by the customer based on geographic and non-geographic flight parameters stored in a record, and books a flight as selected by the customer from among the presented flights.

Because neither the Walker system nor Hawaiian Air teaches or suggests a system that presents a customer with actual flight information for selection by the customer in booking a flight, the combination of Walker and Hawaiian Air does not teach or suggest Applicant’s invention as recited in amended claim 1 (“generate signals used to present actual flights offered by the participating airlines available for selection by the customer … and book a flight selected by the customer from among the presented flights”).

Accordingly, Applicant respectfully submits that the rejection of amended claim 1 under 35 U.S.C. 103(a) should be withdrawn for the foregoing reasons. Because claims 2-16 depend from claim 1, these claims should be allowable for at least the same reasons.

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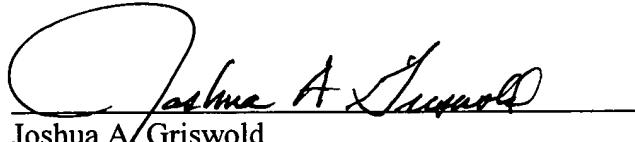
Attorney's Docket No.: 14892-006001

In addition to the above arguments, Applicant maintains arguments set forth in previous amendments regarding reasons why Walker and Hawaiian Air cannot be combined to produce a system as now claimed.

No fee is believed due. Please apply any deficiencies or any other required fees or any credits to deposit account 06-1050, referencing the attorney docket number shown above.

Respectfully submitted,

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